

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): George W. ERHART et al.	Conf. No.: 3849
Application No.: 10/674,562	Art Unit: 2614
Filed: September 30, 2003	Examiner: DEANE, W. J. Jr.
Title: ESTIMATION OF EXPECTED VALUE FOR REMAINING WORK TIME FOR CONTACT CENTER EMPLOYEES	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S BRIEF IN REPLY TO EXAMINER'S ANSWER

Dear Sir:

Applicant submits this Brief in Reply to Examiner's Answer to address certain issues raised in the Examiner's Answer. Applicant maintains all previously presented arguments, and the failure to address every issue raised by the examiner should not be interpreted as an acceptance thereof.

The Examiner's Answer suggests there may be a distinction between "phases" of a call and "stages" of a call. The present application refers to "phases" of calls; the Mewhinney reference uses both terms. Applicant submits that these terms are synonyms, and no distinction was intended in Applicant's Appeal Brief.

The Examiner's Answer asserts that, based on Mewhinney's teachings and the fact that automated speech recognition is known to exist, one of ordinary skill in the art would have modified Mewhinney's system to make it determine the phase of a service call based on the outcome of an automated speech recognition step. However, it is

respectfully submitted that the rejection appears to improperly read teachings of the present application into Mewhinney. As previously argued, Mewhinney discloses three ways to determine the phase of a call. These are “explicit inputs” from an agent, navigational commands input by an agent, and the text that appears on a screen presented to an agent. However, each of these determinations is based directly or indirectly on opinions or mental impressions of the agent who is attempting to make a sale. If the agent believes a customer is ready to buy a product, the agent may decide the call is entering a closing phase and make an “explicit input” indicating that the closing phase is going to occur. If the agent senses that he should provide a customer with more information about a product feature or feels that he should try to sell a different product to the customer, he will presumably make different explicit inputs based on his subjective impression of the progress of the call. Nothing in the record suggests that a call phase can be determined automatically from the conversation between the customer and the agent - the agent’s subjective opinions and impressions always appear to be involved in the determination.

The examiner characterizes his proposed change to Mewhinney as “substituting one well-known input device for another.” It is respectfully submitted that the type of input device is not the issue; the issue is where the determination regarding the call phase is made. In Mewhinney, the determination occurs in an agent’s mind, and this leads him to make appropriate inputs, or navigational commands or to call up particular screens. Nothing in the record suggests that the determination should come, instead, from the outcome of an automated speech recognition step, regardless of the input device that is used. At most, “substituting one input device for another” might suggest

giving the agent a microphone into which he could speak commands like “closing phase” instead of pressing a button on a keyboard. However, as previously argued, this modification does not result in the invention of claim 19, and the examiner confirms in the Examiner’s Answer that this is not the change being proposed. Only the present application teaches that the phase of a service call should be determined from the outcome of an automated speech recognition step, and claim 19 is submitted to be allowable for at least this reason.

Wherefore, the allowance of claims 19-26 is once again earnestly solicited.

Respectfully submitted,

Date: December 8, 2010

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